



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

P.O. BOX 827
CARLISLE, MA 01741
(978) 369-9702

MINUTES

July 30, 2001

Personnel Handbook

Public Hearing: Amendment of Common Driveway Special Permit, 299 Bedford Road, Map 22, Parcels 69, 87 & 88, Richard and Nancy Shohet West, applicants

Request of release of Lot 2 from covenant for Maplewood Subdivision, Acton Street, Map 17, Parcel 17A-2, request of Robert Koning

Request for release from covenant for Maplewood Subdivision, Acton Street, Map 17, Parcel 17A, request of Robert Koning

Discussion of strategy with regard to pending litigation, Valchuis et al. v. Planning Board [Berry Corner Lane, Map 7, Parcel 29] (Executive Session)

Discussion of proposed amendments to Subdivision Rules and Regulations

Acting Chair Epstein called the meeting to order at 7:35 p.m. Members Hara, Holzman, Lane, Reid and Zinicola were present. Planning Administrator George Mansfield was also present. Abend was not in attendance this evening.

Reid moved and Zinicola seconded a motion to accept the minutes of 7/16/01 as drafted. The motion carried 5-0-1 with Epstein abstaining. Reid then moved to accept the executive session minutes of 7/16/01, regarding the litigation of the Maplewood Subdivision, as drafted. Lane seconded the motion and it carried 5-0-1 with Epstein abstaining. Reid also moved to accept the executive session minutes of 7/16/01 regarding pending litigation with Valchuis. Lane seconded the motion and it carried 5-0-1 with Epstein again abstaining.

While reviewing the budget, Reid suggested that the Board begin considering special expenditures now rather than wait to encumber funds at the end of the fiscal year. The PA was asked if he had received any response from wireless review engineers regarding the RFP sent out at the end of FY01. Mansfield stated that there had been no response. The Board agreed to place this item on the agenda for the next meeting, and to discuss whether or not an RFP should be sent again. Mansfield also reported that a copy of "ordinance.com" has been received on disk for use in the PB office. Epstein asked the PA to inquire when the program would be available on-line.

Personnel Handbook

Mansfield reported that a personnel policies handbook has been drafted and that the Town Administrator is seeking comments prior to Personnel Board action on 8/24/01. Zinicola and Epstein agreed to review the draft and present any comments at the next PB meeting.

Public Hearing: Amendment of Common Driveway Special Permit, 299 Bedford Road, Map 22, Parcels 69, 87 & 88, Richard and Nancy Shohet West, applicants

The applicant, Rick West, was present with his engineer Joe March of Stamski and McNary. Abutter Ed Fields was also present.

March noted that since the last meeting, he responded to Judith Nitsch Engineering's concerns in a letter dated 7/19/01. In a 7/27/01 letter to the Board, Sandra Brock of JNEI noted that all concerns had been addressed with the exception of a question regarding drainage impacts. March stated that he spoke with Sandra Brock today and clarified the drainage question on the phone. He said that all concerns have now been appropriately addressed.

March noted that the Fire Chief's concerns have also been addressed by including four posts with reflectors at each of the two wetland crossings.

Lane asked if additional brush clearing along Bedford Road, as discussed at the site walk, was shown on the plan. March said that the land to the west of the common driveway is Town-owned land and the brush clearing has not been shown. He noted that the Board could specify this request in the decision.

The Board then asked the applicant how he wished to address the naming of the common driveway. West requested a waiver of the name requirement, noting that the current lot owners do not wish to change their address from Bedford Road to Bates Farm Lane. Fields, stated that he is the owner of lot K, and felt that the granite post with house numbers on Bedford Road clearly indicates the addresses served by this common driveway. West also noted that item B.1.iii of the maintenance agreement requires the installation and maintenance of house number markers at each branching of the common driveway.

Reid moved to grant an amendment to a common driveway special permit serving 299, 321 & 333 Bedford Road, shown on a plan dated May 7, 2001, revised July 18, 2001, finding that it will serve the best interests of the Town by 1) preserving the scenic vista, 2) creating no traffic congestion, 3) enhancing safety over the individual driveway alternative to serve Lot E2, 4) serving adequately for fire protection, and 4) providing a more complete maintenance agreement than the original common driveway special permit. The amendment is made in consideration of the 1982 plan and the findings of the Planning Board at that time, which contemplated up to a total of five lots on this common driveway. The Board waives the requirements 1) to name the common driveway, and 2) to limit the driveway to a 1000' length. Approval is conditioned on 1) the new house being constructed with an automatic sprinkler system, 2) brush on Bedford Road being cut back for 200 feet to the west of the common driveway, 3) engraving of the new house number on the granite marker on Bedford Road, and 4) markers being placed and maintained at each of the three forks of the common driveway as approved by the Fire Chief. Approval is subject to confirmation of all plan references by the PA and receipt of a signed common driveway easement and maintenance agreement approved by the Board. Lane seconded the motion and it carried 6-0.

The public hearing was continued to 8/20/01 at 7:45 p.m. to review the draft decision.

Request of release of Lot 2 from covenant for Maplewood Subdivision, Acton Street, Map 17, Parcel 17A-2, request of Robert Koning

Recognizing that the remaining three lots would be sufficient to cover the costs of potential work remaining, Reid moved to release Lot 2 from covenant for the Maplewood Subdivision. Lane seconded the motion and it carried 6-0.

Request for release from covenant for Maplewood Subdivision, Acton Street, Map 17, Parcel 17A, request of Robert Koning

Mansfield reported that there has been no written response from Dale MacKinnon regarding the Planning Board's concern with this subdivision. Also, the PA has been unable to reach Town Counsel Kim Saillant. Zinicola agreed to contact her to inquire about possible Planning Board action in light of material deficiencies found in the original submittal.

Discussion of strategy with regard to pending litigation, Valchuis et al. v. Planning Board [Berry Corner Lane, Map 7, Parcel 29] (Executive Session)

At 8:30 p.m. Reid moved to go into executive session for 15 minutes to discuss pending litigation. Lane seconded the motion. The Board was polled and unanimously agreed to the motion.

At 9:00 p.m. Reid moved to return to regular session. Lane seconded the motion, the Board was polled and unanimously approved motion.

The public was admitted and the following abutters were in attendance: Dick and Judy Wells, Thierry Copie and Keith Therrien of Berry Corner Lane; Amy and Dale Izatt, and Bill and Susan Goodall of Heald Road.

Epstein explained that the Board did not make a decision this evening, and is not taking any action at this time.

Copie asked if there is a precedent for accepting common driveways without maintenance agreements. Epstein was not aware of any during his tenure on the Board. Mansfield stated that some of the older common driveways may have been approved without maintenance agreements, but in recent years, they have always been required.

Therrien stated that he owns the fifth lot on Berry Corner Lane, but is not an owner of the lane. He has an easement to use the lane. He noted that maintenance issues would affect him, even though he is not an owner.

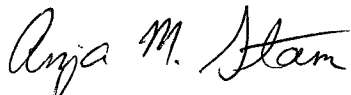
Mansfield took a few minutes to explain some discrepancies found in the plans. He stated that the settlement agreement presented to the Board relied upon an upgrade of the lane according to a plan dated 6/1/99. Since the last PB meeting, the PA was made aware of subsequent plans dated 5/28/00 and 11/28/00. These were plans presented to ConsCom and ultimately approved in the DEP order of conditions. Another reference to a plan dated 12/2/00 appears to be a typographical error and therefore the plan dated 11/28/00 is the final plan and should be used for discussion. However, the PA noted that this plan had not been reviewed by the Board's consulting engineer.

Discussion of proposed amendments to Subdivision Rules and Regulations

Epstein wished to take up this discussion with all Board members present. Reid gave Epstein written comments. The Administrative Assistant was asked to research fire cistern regulations in other communities.

The meeting was unanimously adjourned at 9:20 p.m.

Respectfully submitted,



Anja M. Stam
Administrative Assistant